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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/612,401
Filing Date: July 01, 2003
Appellant(s): WANG ET AL.

Paul S. Hunter
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 18 May 2010 appealing from the Office action mailed 01 September 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 3, 5-7, 9-11, 15-20, 24-28, 30-32 have been rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0141740 A1	Matsui	10/03/2002
2003/0195979 A1	Park	10/16/2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-7, 9-11, 15-20, 24-28, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui (PG Pub US 2002/0141740 A1) in view of Park (PG Pub US 2003/0195979 A1).

Regarding claims **1 and 24**, Matsui discloses a computer-readable medium ("the data transmission apparatus (server) can be constituted in an independent computer

Art Unit: 2462

system by recording a program for performing the data transmission process” [0327] lines 5-9) and a method for streaming media from a streaming server (server, fig. 7) to a streaming client (client terminal, fig. 7) via a transmission channel (network, fig. 7), wherein the method comprises:

receiving a first request for media from a streaming client at a streaming server (“when the user performs an operation for specifying the video data to be obtained on a video data selection screen, an operation signal Sop1 according to this operation is inputted to the HTTP transmission/reception unit 211, whereby a signal Sd1 for requesting SMIL data relating to the specified video data (SMIL request message Mdr) is transmitted from the HTTP transmission/reception unit 211 to the server 100a” [0168] lines 3-10);

sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client (“the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211” [0169] lines 3-9 and “video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity” [0158] lines 2-4 and fig. 5(a));

the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a)) and a second error resilience level indicating an alternative error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a), where if for example, video element 711 is the default error resilience level, then the alternative error resilience level can be any of video element 712, 713, 714);

receiving a second request from the streaming client at the streaming server, the second request including an error resilience level selected from the plurality of error resilience levels (“a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp” [0170] lines 3-9); and

sending the media from the streaming server to the streaming client based on the error resilience level (“the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp” [0171] lines 5-8).

However, Matsui does not explicitly disclose a default error resilience level of the streaming server.

Nevertheless, Park discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats. At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20" (Park [0042-0043]) and "the server 40 packetizes and transmits the bit streams in the general coding format to the terminal 50" (Park [0053]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a default error resilience level of the streaming server because "the packetizing unit 13 packetizes the bit streams in a predetermined coding format" (Park [0039]).

Regarding claim **3**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses said plurality of error resilience levels are defined in accordance with a targeted highest data loss rate or a packet loss rate ("the rate of packet loss is calculated as the incidence of error on the basis of sequence number information included in the headers of the RTP packets (RTP data)" [0162] lines 1-4).

Regarding claim **5**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses receiving from the streaming client at the streaming server, a request for a different error resilience level ("the data analysis unit 212b outputs the data designation signal Sc which instructs the server 100a to switch the video stream supplied from the server 100a to a video stream having a higher anti-

transmission-error property or a higher video quality, according to a variation in the packet loss rate” [0230] lines 9-14); and

adapting, by the streaming server, the error resilience level of the media sent in accordance with the request (“when the incidence of transmission error is high, the receiving terminal 200b can receive a video stream having a short I-frame interval and a high anti-error intensity from among the video streams stored at the server end” [0230] lines 14-18).

Regarding claim **6**, Matsui, Park discloses everything claimed as applied above (see claim 5). In addition, Matsui discloses said request is one of the following: a request for a specific error resilience level, an error resilience level increase request, or an error resilience level decrease request (“the data analysis unit 212b outputs the data designation signal Sc which instructs the server 100a to switch the video stream supplied from the server 100a to a video stream having a higher anti-transmission-error property or a higher video quality, according to a variation in the packet loss rate” [0230] lines 9-14).

Regarding claim **7**, Matsui, Park discloses everything claimed as applied above (see claim 1). However, Matsui fails to specifically disclose the streaming server receives from the streaming client a RTCP (RTP Control Protocol (Real-Time Streaming Protocol)) report, indicative of transmission channel errors, and wherein the streaming server decides on a different error resilience level based on the RTCP report, as claimed.

Nevertheless, Matsui teaches “the client terminal 200c is provided with an RTCP report transmission/reception unit 219 which transmits information Drr indicating the transmission status as a receiver report to the server 100c” (Matsui [0254] lines 7-10) and “information relating to the incidence of transmission error, the RTP packet arrival time, and the like is transmitted as a receiver report Drr from the RTCP report transmission/reception unit 219 to the server 100c” (Matsui [0260] lines 1-4) and “the server 100c switches the video stream being transmitted as RTP data to the receiving terminal 200a, to another video stream having a different coding condition, on the basis of the receiver report supplied from the receiving terminal 200c” (Matsui [0258] lines 4-7).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to receive at the streaming server from the streaming client a RTCP report indicative of transmission channel errors and wherein the streaming server decides on a different error resilience level based on the RTCP report because “the RTCP report transmission/reception units 104 and 219 transmit the sender report and the receiver report by RTCP (Real Time Control Protocol)” (Matsui [0256] lines 1-3).

Regarding claim 9, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses the media (the following elements either alone or in combination of Dv1, Dv2, Dv3, Dv4, fig. 1(a)) at the streaming server (server 100a) is associated with an error resilience value indicating a media content error

Art Unit: 2462

resilience level (the following elements either alone or in combination of I-VOP Intvl.10s, I-VOP Intvl.5s, I-VOP Intvl.2s, I-VOP Intvl.1s, fig. 1(a)).

Regarding claim **10**, Matsui, Park discloses everything claimed as applied above (see claim 9). In addition, Matsui discloses said error resilience value is stored in a file format in which said media is stored (the following elements either alone or in combination of Dv1, Dv2, Dv3, Dv4, fig. 1).

Regarding claim **11**, Matsui, Park discloses everything claimed as applied above (see claim 5). In addition, Matsui discloses error resilience adaptation is performed by switching the streaming server from sending a first generated stream having the error resilience level to sending a second generated stream having the different error resilience level, the different error resilience level differing from the error resilience level (“when the anti-error intensity is set at [low level] in the receiving terminal, the video stream corresponding to the video element 721 is selected as a video to be received. If the incidence of transmission error increases after reception of the video stream (s1.mp4), the video stream being received is switched to the video stream (s2.mp4) or the video stream (s3.mp4) which are given the system-protocol attribute value “fret” or “ret+fec”, respectively” [0235] lines 1-12).

Regarding claim **15**, Matsui, Park discloses everything claimed as applied above (see claim 1). However, Matsui fails to specifically disclose sending the media uses a transmission channel at least partially implemented via a mobile communications network, as claimed.

Nevertheless, Matsui teaches “a handy phone 300 includes a signal processing unit 302 for performing various kinds of signal processing; and a radio communication unit 303 for outputting a radio signal N received by an antenna 301 to the signal processing unit 302 as a reception signal, and a transmitting a transmission signal generated by the signal processing unit 302 from the antenna 301 as a radio signal N” [0322] lines 1-7 and fig. 16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to send media using a transmission channel at least partially implemented via a mobile communications network because “the international standards organization 3GPP which defines the standard of receiving terminals in radio networks, provides that RTP/UDP/IP is employed as a protocol for transmitting video data between a server and a receiving terminal, and RTSP/TCP/IP is employed as a protocol for requesting data from a receiving terminal to a server” (Matsui [0005] lines 1-10).

Regarding claim **16**, Matsui, Park discloses everything claimed as applied above (see claim 15). However, Matsui fails to specifically disclose that the streaming server has an IP connection (Internet Protocol) to an IP-based network which is configured to be coupled with the mobile communications network, as claimed.

Nevertheless, Matsui teaches “fig. 18 shows a conventional data transmission system 20 for distributing video data using the Internet” (Matsui [0006]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to connect an IP-based network with the mobile

Art Unit: 2462

communications network because “the international standards organization 3GPP which defines the standard of receiving terminals in radio networks, provides that RTP/UDP/IP is employed as a protocol for transmitting video data between a server and a receiving terminal, and RTSP/TCP/IP is employed as a protocol for requesting data from a receiving terminal to a server” (Matsui [0005] lines 1-10).

Regarding claim **17**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses said media comprises at least one of the following: a video content, an audio content, a still image, graphics, text and speech (“the client terminal 200b determines a video stream having an optimum anti-error intensity on the basis of an anti-error intensity of video data to be received” [0157] lines 5-8).

Regarding claim **18**, Matsui discloses a client device (client terminal, fig. 7) comprising:

receiving means for receiving streaming media sent from a streaming server to the client device via a transmission channel (“the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp” [0171] lines 5-8) and for receiving a plurality of error resilience levels supportable by the streaming server in streaming the media to the client device (“the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving

Art Unit: 2462

terminal 200b to be received by the HTTP transmission/reception unit 211” [0169] lines 3-9 and “video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity” [0158] lines 2-4 and fig. 5(a));

the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a)) and a second error resilience level indicating an alternative error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a), where if for example, video element 711 is the default error resilience level, then the alternative error resilience level can be any of video element 712, 713, 714);

detection means for detecting transmission channel errors (“an incidence-of-error calculation unit 216b1 performs process P1 in which the incidence of error is calculated” [0220] lines 1-3); and

sending means for sending an error resilience selection from the received plurality of error resilience levels to the streaming server (“a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp” [0170] lines 3-9).

However, Matsui does not explicitly disclose a default error resilience level of the streaming server.

Nevertheless, Park discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats. At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20" (Park [0042-0043]) and "the server 40 packetizes and transmits the bit streams in the general coding format to the terminal 50" (Park [0053]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a default error resilience level of the streaming server because "the packetizing unit 13 packetizes the bit streams in a predetermined coding format" (Park [0039]).

Regarding claim **19**, Matsui, Park discloses everything claimed as applied above (see claim 18). However, Matsui fails to specifically disclose the client device is a mobile station of a cellular network, as claimed.

Nevertheless, Matsui teaches "a handy phone 300 includes a signal processing unit 302 for performing various kinds of signal processing; and a radio communication unit 303 for outputting a radio signal N received by an antenna 301 to the signal processing unit 302 as a reception signal, and a transmitting a transmission signal generated by the signal processing unit 302 from the antenna 301 as a radio signal N" [0322] lines 1-7 and fig. 16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to send media using a transmission channel at least partially implemented via a mobile communications network because “the international standards organization 3GPP which defines the standard of receiving terminals in radio networks, provides that RTP/UDP/IP is employed as a protocol for transmitting video data between a server and a receiving terminal, and RTSP/TCP/IP is employed as a protocol for requesting data from a receiving terminal to a server” (Matsui [0005] lines 1-10).

Regarding claim **20**, Matsui discloses a streaming server (server, fig. 7) comprising:

receiving means for receiving a first request for media from a streaming client (“when the user performs an operation for specifying the video data to be obtained on a video data selection screen, an operation signal Sop1 according to this operation is inputted to the HTTP transmission/reception unit 211, whereby a signal Sd1 for requesting SMIL data relating to the specified video data (SMIL request message Mdr) is transmitted from the HTTP transmission/reception unit 211 to the server 100a” [0168] lines 3-10) and for receiving a second request from the streaming client, the second request including an error resilience level selected from a plurality of error resilience levels (“a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit

2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp" [0170] lines 3-9);

the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a)) and a second error resilience level indicating an alternative error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a), where if for example, video element 711 is the default error resilience level, then the alternative error resilience level can be any of video element 712, 713, 714);

sending means for sending a response to the first request to the streaming client, the response including the plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client ("the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169] lines 3-9 and "video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 2-4 and fig. 5(a)) and for sending streaming media to the streaming client via a transmission channel based on the error resilience level ("the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data

Art Unit: 2462

storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp" [0171] lines 5-8).

However, Matsui does not explicitly disclose a default error resilience level of the streaming server.

Nevertheless, Park discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats. At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20" (Park [0042-0043]) and "the server 40 packetizes and transmits the bit streams in the general coding format to the terminal 50" (Park [0053]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a default error resilience level of the streaming server because "the packetizing unit 13 packetizes the bit streams in a predetermined coding format" (Park [0039]).

Regarding claims **25 and 26**, Matsui discloses a computer-readable medium ("the data reproduction apparatus (receiving terminal) can be constituted in an independent computer system by recording a program for performing the data reproduction process" [0327] lines 5-9) and a method for receiving streamed media from a streaming server via a transmission channel, the method comprising:

sending a first request for media from a streaming client to a streaming server ("when the user performs an operation for specifying the video data to be obtained on a video data selection screen, an operation signal Sop1 according to this operation is

Art Unit: 2462

inputted to the HTTP transmission/reception unit 211, whereby a signal Sd1 for requesting SMIL data relating to the specified video data (SMIL request message Mdr) is transmitted from the HTTP transmission/reception unit 211 to the server 100a" [0168] lines 3-10);

receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media ("the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169] lines 3-9 and "video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 2-4 and fig. 5(a));

the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a)) and a second error resilience level indicating an alternative error resilience level (the following elements either alone or in combination of video element 711, 712, 713, 714, fig. 5(a), where if for example, video element 711 is the default error resilience level, then the alternative error resilience level can be any of video element 712, 713, 714);

sending a second request from the streaming client to the streaming server, the second request including an error resilience level selected from the plurality of error

Art Unit: 2462

resilience levels (“a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp” [0170] lines 3-9); and

receiving the media from the streaming server at the streaming client based on the error resilience level (“the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp” [0171] lines 5-8).

However, Matsui does not explicitly disclose a default error resilience level of the streaming server.

Nevertheless, Park discloses “the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats. At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20” (Park [0042-0043]) and “the server 40 packetizes and transmits the bit streams in the general coding format to the terminal 50” (Park [0053]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a default error resilience level of the streaming server because “the packetizing unit 13 packetizes the bit streams in a predetermined coding format” (Park [0039]).

Regarding claim **27**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses the error resilience level is an integer value (“four video data files having different anti-error intensities is employed” [0231] lines 2-3 and fig. 5(a)).

Regarding claim **28**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses identifying a media content error resilience level from the media wherein the plurality of error resilience levels includes the identified media content error resilience level (the following elements either alone or in combination of Dv1, Dv2, Dv3, Dv4, fig. 1).

Regarding claim **30**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses selecting a media stream to send the media from a plurality of media streams based on the error resilience level (“in the receiving terminal 200b, video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity” [0158] lines 1-4).

Regarding claim **31**, Matsui, Park discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses after sending the media from the streaming server to the streaming client, receiving a third request from the streaming client at the streaming server, the third request including a new error resilience level selected based on an error rate (“the data analysis unit 212b outputs the data designation signal Sc which instructs the server 100a to switch the video stream supplied from the server 100a to a video stream having a higher anti-transmission-error property or a higher video quality, according to a variation in the packet loss rate” [0230] lines 9-14).

Regarding claim **32**, Matsui, Park discloses everything claimed as applied above (see claim 1). However, Matsui fails to specifically disclose that receiving a third request from the streaming client at the streaming server, the third request including a request to identify a current error resilience level, as claimed.

Nevertheless, Matsui teaches “fig. 4(b) explains a mobile terminal 201b for setting the level of anti-error intensity using a slide bar” (Matsui [0138] lines 1-3) and further “in the user operation unit 213 of the mobile terminal 201b, an integral value within a range of 0-100 is calculated as an anti-error intensity level according to the position of the slide bar” (Matsui [0141] lines 1-4).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to receiving a third request identifying a current error resilience level because “the calculated value is held as the anti-error intensity value of the mobile terminal 201b” (Matsui [0144] lines 5-7).

(10) Response to Argument

II. REJECTION OF CLAIMS 1, 3, 5-7,9-11,15-20, 24-28, and 30-32

1. The combination of *Matsui* and *Park* fails to show “a default error resilience level of the streaming server” as recited by the claims.

Regarding claims 1, 18, 20, and 24-26, Applicants have argued that “Park fails to provide any disclosure, teaching, or suggestion that a general coding format is in any way related to a “default error resilience level”” (page 9).

In response to Applicants' argument, the examiner respectfully disagrees. In the primary reference, Figure 5(a) in Matsui is shown below, where "FIG. 5(a) shows an SMIL file FSD2 indicating four video data files having different anti-error intensities" [0098], where the SMIL file is stored at the server and transmitted to the client upon request. The SMIL file FSD2 is described as including "entries relating to four video elements 711~714 having different anti-error intensities ... In the entry of each video element, its anti-error intensity is described as a system-error-resilient-level attribute, and a video element which is most suitable to the contents of the user setting is selected on the basis of this attribute. The specific values of the system-error-resilient-level attributes in the respective video elements 711, 712, 713, and 714 are "1", "2", "3", and "4" [0099].

Fig.5 (a)

The diagram shows a code block representing an SMIL file FSD2. It is enclosed in a rectangular box. To the left of the box, labels 731a, 711, 712, 713, 714, and 731b are connected to the code by lines. To the right of the box, the label FSD2 is connected by a line. The code inside the box is as follows:

```
<switch>  
<video src="rtsp://s.com/s1.mp4"system-error-resilient-level="1"/>  
<video src="rtsp://s.com/s2.mp4"system-error-resilient-level="2"/>  
<video src="rtsp://s.com/s3.mp4"system-error-resilient-level="3"/>  
<video src="rtsp://s.com/s4.mp4"system-error-resilient-level="4"/>  
</switch>
```

Further, Figure 5(a) shows at least two (2) error resilience levels. For instance, take one of the error resilience levels to be the default error resilience level, then any of the other error resilience levels are considered as alternative error resilience levels. So, as an example, video element 711 is the default error resilience level and video element 713 is the alternative error resilience level. This shows multiple anti-error intensity levels, at least one interpreted as a default error resilience level and at least another

Art Unit: 2462

one interpreted as an alternative error resilience level. Therefore, Matsui discloses a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level.

In the secondary reference, Park discloses “the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats” [0042] or “The packetizing unit 43 packetizes the bit streams in a predetermined coding format. According to an aspect of the present invention, the coding format can be modified according to the state of the network 30” [0049]. This shows that there are at least two different error resilience level coding formats of the server.

Park discloses “the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20” [0043 or 0053] or “The packetizing unit 43 packetizes the bit streams in a predetermined coding format” [0049]. Then, Park discloses “when monitoring the abnormal state of the network 30, at operation S110, the terminal 20 requests the server 10 to modify the coding format into a packet resilient coding format to be resilient from the packet loss” [0044] or “When recognizing the abnormal state of the network 30 by the network monitoring unit 45, the packetizing unit 43 modifies the coding format and packetizes the bit streams in the modified coding format” [0050]. This shows that the bit streams are packetized in a general (or predetermined) coding format and upon noticing an abnormality in the network, the coding format is modified into a packet resilient coding format.

Further, Park discloses “when monitoring the normal state of the network 30, at operation S110, the terminal 20 requests the server 10 to modify the coding format into the previous coding format, and, at operation S112, the server 10 packetizes and transmits the bit streams in the previous coding format” [0045] or “When the network 30 has the normal state, the packetizing unit 43 generates and transmits the packets in the previous coding format” [0051]. This shows that upon noticing the network has a normal state, the coding format is reverted back to the general (or predetermined) coding format.

Based on the plain meaning as compared to the reference Park, a default value is an automatic assignment of a value to a parameter (“the general/predetermined coding format”) unless the value is changed to another value (“the packet resilient/modified coding format”) based on some other determination, action (“the network has an abnormal state”). This shows multiple coding formats, at least one interpreted as a default error resilience level and at least another one interpreted as an alternative error resilience level.

Therefore, a combination of Matsui and Park discloses a default error resilience level.

2. Park uses coding formats that change depending on the network state, not “a default error resilience level of the streaming server,” as claimed.

Regarding claims 1, 18, 20, and 24-26, Applicants have argued that “Park fails to provide any disclosure, teaching, or suggestion that either format is in any way related to a default error resilience level” (page 11).

In response to Applicants’ argument, the examiner respectfully disagrees. As described above, Matsui discloses a plurality of anti-error intensity levels in Figure 5(a), at least one interpreted as a default error resilience level and at least another one interpreted as an alternative error resilience level. In addition, Park discloses the bit streams are packetized in a general (or predetermined) coding format and upon noticing an abnormality in the network, the coding format is modified into a packet resilient coding format. Once the network goes back to a normal state, the coding format is reverted to the general (or predetermined) coding format. This shows that the general/predetermined coding format is used unless the network has an abnormal state, at which point the packet resilient/modified coding format is used. This shows a plurality of coding formats, at least one interpreted as a default error resilience level and at least another one interpreted as an alternative error resilience level.

Therefore, a combination of Matsui and Park discloses a default error resilience level.

3. Park does not teach that a “general coding format” is the same as a “default” coding format or a “a default error resilience level”.

Regarding claims 1, 18, 20, and 24-26, Applicants have argued that “Park provides no indication that the general coding format is a default coding format” (page 12).

In response to Applicants’ argument, the examiner respectfully disagrees. As described above, Matsui discloses multiple anti-error intensity levels in Figure 5(a), at least one interpreted as a default error resilience level and at least another one interpreted as an alternative error resilience level. In addition, Park discloses the bit streams are packetized in a general (or predetermined) coding format and upon noticing an abnormality in the network, the coding format is modified into a packet resilient coding format. This shows that the general/predetermined coding format is used unless the network has an abnormal state, where the packet resilient/modified coding format is then used. This shows multiple coding formats, at least one interpreted as a default error resilience level and at least another one interpreted as an alternative error resilience level.

Therefore, a combination of Matsui and Park discloses a default error resilience level.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 2462

/Christine Duong/

Examiner, Art Unit 2462

08/11/2010

Conferees:

/Seema S. Rao/

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